PRESS RELEASE

Ombudsman Probes
Access to Information and Records Management in Hong Kong

The Ombudsman, Mr Alan Lai, has decided to initiate a direct investigation into the access to information regime and Government's records management system in Hong Kong, under section 7(1)(a)(ii) of The Ombudsman Ordinance, Cap. 397.

There have been calls from time to time from the public for the Administration to enhance citizens' right to access information. The Administration has thus far maintained that there is no such need because it considers that its Code on Access to Information ("the Code") already provides an effective framework for the public to access a wide range of information held by Government.

The Code was first introduced in 1995 and has remained unchanged ever since. Meanwhile, elsewhere in the world, more than 88 jurisdictions have passed freedom of information ("FOI") laws to protect the people's right to access information. In recent years, many jurisdictions have further introduced major reforms to their FOI regimes to increase the public's access to information, expand the coverage of the FOI stipulations, and update the laws to keep up with the advance of information technology.

"In view of all these, this Office considers it necessary to look into the standards and practices of the Code, vis-à-vis the FOI regimes in other jurisdictions, so as to determine whether the public's right to access information in Hong Kong is adequately provided for and whether the measures taken are in keeping with modern standards of open and good administration," The Ombudsman said.

An inseparable or closely related subject is Government's records management system. Records management and archiving of public records is currently done by the Government Records Service. There is no statutory protection of archival records. The Administration has maintained that the current administrative framework is effective in ensuring proper records management. However, elsewhere in the world, many jurisdictions introduced, as early as in the 1940s and 1950s, specific laws to protect their archives. Some of such laws require proper creation and management of records, with penalty provisions to ensure compliance.

"In our direct investigation, we will compare Government's records

management system with those in other jurisdictions, so as to find out whether there are systemic inadequacies in Hong Kong and how these inadequacies affect the public's access to information," said Mr Lai.

The Ombudsman welcomes public views on the subject. Comments should reach the Office of The Ombudsman by 4 February 2013:

Address	:	30/F, China Merchants Tower, Shun Tak Centre 168-200 Connaught Road Central, Hong Kong
Fax	:	2882 8149
E-mail	:	complaints@ombudsman.hk

Press enquiries: 2629 0565

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